

### **REMARKS**

In the Office Action of September 3, 2009, the Examiner objected to the Specification for not capitalizing trademarks and for not following a suggested format. Applicant submits herewith a Substitute Specification, in both marked up and cleanly amended form, wherein the Examiner's kind suggestions have been followed. It is believed that the objections to the Specification have now been overcome. The title is amended in the Substitute Specification.

Claims 1-3, 10 and 14-18 stand rejected under 35 USC 112, second paragraph, for being indefinite. The Examiner has objected that the terms "an A1-part" and "an A2-part" are not clear with regard to what is precisely encompassed. Claim 14 is said to be vague for using the term "derived." Claim 16 is said to be vague for using the term "effective" to define the amount of the claimed composition.

It is respectfully submitted that the rejections under 35 USC 112 have been overcome with the present amendments.

Claims 1, 10, 14 and 16-18 stand rejected under 35 USC 102(b) for anticipation by Holmgren et al, US Patent 6,019,973, as the limitation "an A1-part" or "an A2-part" are said to lack structural limitations.

Applicant respectfully traverses the rejection over Holmgren et al for anticipation. It is believed the two two-amino acid sequence combinations identified in a reference addressing hybrids of other organisms cannot anticipate the claims as originally submitted in view of how they would be interpreted by the ordinary practitioner. However, for clarity, the claims are presently amended to recite that the hybrid bacterial toxin subunit comprises an A1-part and an A2-part fused together, wherein the A1-part is the A1-part of Shiga-toxin or Shiga-like toxin and the A2-part is the A2-part of *E. coli*. Support for this interpretation and the amendments is found in the Specification, i.e., page 2, line 31 to page 3, line 6, and page 5, line 6-22.

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Amendment in response to the OA of 9/3/09

It is believed that with entry of the present amendments, claims 1-3,10, 14-17 and 22-25 are in condition for allowance. Favorable action is solicited.

Should the Examiner believe that a conference would be helpful in advancing the prosecution of this application, she is invited to telephone Applicant's attorney at the number below.

If necessary, the Commissioner is hereby authorized in this concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 19-0365 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17.

Respectfully submitted,

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